

Remarks

Upon entry of the foregoing amendment, claims 1-11 are pending in the application, with claims 1, 10, and 11 being the independent claims. By the foregoing amendment, claims 1, 10, and 11 are sought to be amended, and claims 12-15 are canceled. These changes are believed to introduce no new matter, and their entry is respectfully requested. Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Drawings

Figures 1-2 have been amended to include "Prior Art" in the legend, and are attached as replacement drawings. Accordingly, please reconsider and remove the drawing rejection.

Rejections under 35 U.S.C. § 103

Claims 1-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Applicants' admitted prior art (AAPA). Applicants respectfully traverse these rejections.

Claims 1, 10, and 11 have been amended so that *said first, second, and third switches of said first plurality of switches are consecutively arranged along said first resistor ladder*. The claim further recites that *the first switch is on, the second switch is off, and the third switch is on*. Since the first, second, and third switches are consecutive (or adjacent), then the switches form an ON-OFF-ON consecutive configuration within the resistor ladder as claimed. Claims 10 and 11 have been amended in an equivalent manner.

AAPA clearly does not teach the ON-OFF-ON consecutive switch configuration, as recited in the claims. More specifically, FIG. 1 of AAPA only shows that M4 is ON, with adjacent switches OFF. FIG. 2 shows that a group of switches M2-M5 are ON, but does not show any switch in-between M2-M5 as being OFF. Accordingly, AAPA does not disclose the ON-OFF-ON configuration that is recited in Applicants' independent claims 1, 10, 11. Therefore, AAPA does not teach each and every feature of Applicants' claimed invention, and does not support an anticipation rejection under 35 U.S.C. 102(b). The Examiner is reminded that "a claim is anticipated only if each and every element as set forth in the claim is found ...in a single prior art reference." (See, MPEP 2131). Accordingly, Applicants request that the rejection of claims 1, 10, and 11 under 35 U.S.C. §102(b) be removed, and that these claims be passed to allowance. Claims 2-9 depend from claim 1, and therefore are patentable over the cited art for the reasons mentioned above in addition to their own patentable features.

Other Matters

The action also states that "the order of switching on or off of switches is not patentable in an apparatus claim since only the final product structure is patentable in an apparatus claim." (Office Action, para. 5)

Claims 1, 10, and 11 recite a particular switch configuration as discussed above, that limits the bounds of the plurality of switches as recited in the claims. The claim recitations are certainly definite and unambiguous, and meet the requirements 35 U.S.C. §112.

Examiner's statement that only "the final product structure is patentable in an apparatus claim" seems unsupported. A search of the MPEP, the relevant Patent Laws

(U.S. Code Title 35), and Patent Rules (Title 37 of the Code of Federal Regulations) provide no support for such a statement. Therefore it would seem to be an inappropriate basis to object or reject an otherwise patentable claim. Accordingly, if this rejection is upheld in a future Office Action, then the Applicants would request that a specific cite be provided to support the basis of this rejection.

Based on the discussion above, Applicants request that the rejections and objections be withdrawn and that claims 1-11 be passed to allowance.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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